

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW TORO,

Plaintiff,

-V-

IMMERSION RESEARCH, INC.,

Defendant.

23 Civ. 3292 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On July 25, 2023, the Court ordered Plaintiff to file a letter by August 1, 2023 describing whether Defendant had been served in this action and, if not, why good cause exists for failure to serve within the ninety-day deadline set by Federal Rule of Procedure 4(m). Dkt. 7. That Order explicitly required that the letter be filed regardless of whether Defendant was served. *Id.* at 1-2 (“Plaintiff must file this letter even if service of the Summons and Complaint is or has already been made on Defendant.”). Plaintiff failed to file this letter. On August 4, 2023, the Court then ordered Plaintiff to file the letter by August 8, 2023. Dkt. 8. On August 7, 2023, Plaintiff filed a waiver of service, executed that same day, Dkt. 9, but did not file the ordered letter.

The Court will grant Plaintiff one final chance to comply with its Orders. Plaintiff shall file the letter by August 10, 2023. The letter should now also address Plaintiff's failure to comply with the Court's Orders and explain why Plaintiff's counsel's conduct does not merit sanctions by this Court.

SO ORDERED.

Dated: August 9, 2023
New York, New York

Thos. C. C.

JOHN P. CRONAN
United States District Judge